

**REMARKS**

This Response is in reply to the Office Action mailed July 7, 2009. Claims 29, 31-35, and 38-41 were pending in the application with each of these claims being rejected.

Claims 35 and 38-41 were rejected under 35 USC 112, first paragraph because the application does not include the concept of a heat critical vertical boundary layer, the accumulation of smoke and heat during a fire, and lowering the critical boundary level during the training exercise to represent a fire situation. The Applicants disagree. Page 1, lines 14-20 discloses that the safety zone for a firefighter is near the floor because smoke and heat created rise and accumulate in the upper reaches of a room. The smoke and heat build and the safety zone moves closer to the floor of the room as the fire continues. Page 1, lines 21-25 discloses that methods and devices are needed for training persons who are working in these fire conditions. The training methods and devices should teach the persons to remain low or in a crouched position. Further, page 2, lines 6-7 discloses that the present invention is directed to devices and methods for training persons to remain with this safety zone. Therefore, at least these sections disclose and enable one of ordinary skill in the art regarding these aspects of the invention.

Claims 29 and 31-34 were rejected under 35 USC 103(a) as being unpatentable over US Patent No. 4,934,937 (hereinafter Judd) in combination with US Patent No. 5,903,345 (hereinafter Butler). Claim 29 includes that the emitter and vertical support are configured to steadily move the vertical boundary downward while the emitter is rotating during a training exercise from a first vertical level to a lower second vertical level to replicate movement of the heat critical vertical boundary caused by smoke and heat that accumulate during a fire.

Judd discloses a combat training system that trains soldiers in the use of firearms under simulated combat conditions. Judd includes an enemy fire simulator with a laser that replicates enemy fire arm usage. Judd does not appear to disclose that the laser emits a signal that steadily moves vertically downward during the course of a training exercise from a first vertical

level to a lower second vertical level. Judd replicates firearm usage and therefore would not appear to have any reason to operate in this manner.

Butler discloses a remotely controlled adjustable support stand for positioning a laser scanner at various vertical and angular positions. Butler is used for measuring a horizontal plane and does not appear to include a rotating laser that steadily moves in a vertical direction. Butler does not disclose moving a vertical boundary formed by the emitter downward during a training exercise. Butler discloses the vertical height may be adjusted, but does not appear to disclose that the vertical height can be adjusted while the laser scanner is operating.

Further, neither Judd nor Butler would appear to disclose moving a boundary vertically downward while the laser is rotating. Judd is directed to a system for combat training. This type of training does not include firearm usage that progressively moves vertically downward. Rather, Judd would teach moving sporadically at various vertical and lateral positions to replicate the use of enemy gunfire. Butler does not disclose steadily moving downward as it is directed to a measuring system. There is no reason for this system to steadily move downward as it appears that Butler discloses measuring discrete vertical heights.

Therefore, neither Judd nor Butler either alone or in combination disclose or make obvious the aspects now included within independent claim 29. For at least these reasons, independent claim 29 and dependent claims 31-34 are not made obvious over this combination.

Claims 38-40 have each been amended to add the word "claim," inadvertently omitted. Claim 38 has also been amended to correct the claim dependency.

In view of the above amendments and remarks, the Applicant submits the present application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



David D. Kalish

Registration No.: 42,706

Telephone: (919) 854-1844

Faxsimile: (919) 854-2084

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